

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

[www.spb.ca.gov](http://www.spb.ca.gov)

Public Session Location - Room 150  
Closed Session Location - Room 141

TWO-DAY BOARD MEETING - JULY 10-11, 2001

FULL BOARD MEETING MINUTES

JULY 10, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn  
(Given by Laura Aguilera, Assistant Executive Officer)

The Board was advised of the following:

- A. Walter Vaughn is in Montana attending a conference of the National Association of State Personnel Executives (NASPE) which is an organization comprised of his counterparts throughout the United States.
- B. Announced the selection of two Division Chiefs, Karen Coffee, Chief, Personnel Resources & Innovations Division, and Mike Willihnganz, Chief of Policy Division.

July 10, 2001

- C. CSEA conducted a rally at the State Personnel Board (SPB) on June 20, 2001. The organization presented SPB with two resolutions concerning discrimination, retaliation and harassment, and centralized testing. The organization has requested to make a formal presentation to the Board at their August 7-8, 2001 Board meeting.
  - D. The Capitol Weekly has requested a meeting to discuss the LEAP program in order to prepare an article for an upcoming issue.
  - E. On July 20, 2001, the State Personnel Board will meet with a delegation from the Consulate General of India. The meeting will include an exchange of ideas in the areas of recruitment and examinations.
3. REPORT OF THE CHIEF COUNSEL - Elise Rose  
(Given by Karen Brandt, Staff Legal Counsel)

Karen Brandt reported on:

Litigation:

- A. Buder v. Office of Environmental Health Hazard Assessment - This matter, which challenged the Board's Health Questionnaire, has been settled.
- B. State Board of Equalization v. State Personnel Board (Bud Jones) - The Third District Court of Appeal has issued an unpublished decision that finds that the Superior Court properly granted the Board of Equalization's writ petition, holding that the fraud exception to the statute of limitations applied and that the Board of Equalization properly served the demotion within 3 years after the appellant's fraud was discovered. The court also rejected the Board's finding that the demotion was barred by laches.
- C. Jacobs v. State Personnel Board/Department of Justice - The petitioner has appealed to the First District Court of Appeal from the Superior Court's denial of his petition for writ of mandate, which challenges the Board's decision upholding the

July 10, 2001

minimum qualification for the Deputy Attorney General III classification that provides that legal experience refers to experience gained after admittance to the State Bar.

Mediation

- A. The Board has issued a request for proposal to obtain bids from people who wish to contract with the Board to act as mediators/consultants.

Other:

- A. The contract hearing between the Department of Parks and Recreation, CSEA and ACSA, that was originally scheduled for July 11 at 9:15 a.m., has been continued.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. AB 619 (Wayne) - This bill will require that all members in Unit 10 (California Association of Professional Scientists) would have to have a 4-year degree in a scientific discipline. Judy Balmain met with Assembly Member Wayne along with his staff member and Arron Read and Kristen Haynie who represent Unit 10. The Board is asking Assembly Member Wayne to consider making AB619 a two-year bill so that SPB will have the opportunity to resolve the issue administratively.
- B. SB 987 (Escutia) - Bilingual enforcement legislation, this will be a two-year bill due to budget concerns.
- C. SB 1161 (Polanco) - Governor's Diversity Task Force recommendations, bill will be heard in Assembly PERS Committee on July 11, 2001.
- D. SB 1045 (Polanco) - Outreach recruitment legislation, the bill passed out of Assembly Business & Professions Committee, July 10, 2001.
- E. July 13, 2001, is the last day for policy committees to meet.

July 10, 2001

- F. Legislative summer recess begins July 20, 2001, pending passage of the budget.

5. PERS UPDATE - Sean Harrigan  
(Report given by Sue Myers)

The Board was advised of the following:

- A. State Personnel Board staff presented a report on the significant issues that have come before the California Public Employees Retirement System (CalPERS) during the second quarter of 2001. Significant issues discussed included approval of design changes and co payment structures for the HMO plans; approval of an alternative HMO benefit design plan for Basic and Medicare plans in 2002; inclusion of specific HMOs in the PEMHCA program for 2002; and approval of investment strategies and allocations for eleven (11) firms to implement the California Initiative Program.

6. ORAL ARGUMENT

Appeal of EVERETT DREW, CASE NO. 00-1480. Appeal from dismissal. Department of Corrections.

Persons Participating:

Everett Drew, Appellant, represented himself  
Barrett McInerney, Labor Relations Counsel, Department of  
Personnel Administration representing Prison Industry  
Authority

ACTION: Submitted

7. ORAL ARGUMENT

Appeal of MITCHELL BLAIR, CASE NO. 99-0242. Appeal from dismissal. Department of the Youth Authority.

Persons Participating:

July 10, 2001

Rudy E. Jansen, CCPOA, representing appellant  
Edmund K. Brehl, Labor Relations Counsel, Department of  
Personnel Administration representing Department of the  
Youth Authority

ACTION: Submitted

8. ORAL ARGUMENT

Appeal of CHRISTINE SALAZAR, CASE NO. 99-5136.  
Appeal from reasonable accommodation. Employment  
Development Department.

Persons Participating:

Glenn C. Jones, Staff Counsel, representing EDD  
Richard J. Burton, Attorney at Law, representing  
appellant

ACTION: Submitted

9. SELECTION ANALYST RECIPIENT AWARDS FOR THE FOLLOWING:

Al Anquoe, Chuenta Rhym, Eric Buckle, Gladys Huerta,  
Kathleen Crawford, Kathy Khan, Linda McGuire, Lisa D.  
John, Liz Morrison, Lorna Wilson, Mary Jo Schall, Michele  
Ullery, Munda Vences, Nisha Patel, Shirley Fong, Sue  
Westerfeld, Teresa Wilson, and Valerie A. Kimura.

ACTION: Awards presented by William Elkins, Vice  
President, and Laura Aguilera, Assistant  
Executive Officer, California State Personnel  
Board.

10. ORAL ARGUMENT

Oral argument in the matter of CASSANDRA CLADDY, CASE NO.  
00-3080. Appeal from five percent reduction in salary  
for five months. Employment Development Department.

Persons Participating:

July 10, 2001

Fred Williams, President of the Williams Group, Labor Relations Consultants, representing appellant  
Andrew B. Pollak, Staff Counsel, representing EDD

ACTION: Submitted

11. ORAL ARGUMENT

Oral argument in the matter of TINA GABRIALT, CASE NO. 00-2360. Appeal from dismissal. Human Services Agency, County of Merced.

Persons Participating:

William C. Hunter, Deputy County Counsel, Merced County, representing Human Services Agency  
Barry J. Bennett, Attorney at Law, representing appellant

ACTION: Submitted

12. ORAL ARGUMENT

Oral argument in the matter of RICHARD C. TOBY, CASE NO. 00-1572P. Appeal from dismissal. Department of Developmental Services.

Persons Participating:

Charles F. McClamma, Labor Relations Specialist, representing the Department of Developmental Services  
Ken Much, Consultant, CAPT, representing appellant

ACTION: Submitted

A D J O U R N M E N T

CALIFORNIA STATE PERSONNEL BOARD MEETING  
801 Capitol Mall  
Sacramento, California

Public Session Location - Room 150  
Closed Session Location - Room 141

CONCURRENT BOARD MEETING MINUTES

JULY 11, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President  
William Elkins, Vice President  
Florence Bos, Member  
Richard Carpenter, Member  
Sean Harrigan, Member

2. ORAL ARGUMENT

Oral argument in the matter of CRYSTAL QUARTEY, CASE NO. 00-1276. Appeal from dismissal. Department of Veterans Affairs.

Persons Participating:

Chian He, Staff Counsel, representing the Department of Veterans Affairs  
Brian K. Taylor, Attorney at Law, CSEA, representing appellant

ACTION: Submitted

3. HEARING - (PSC NO 01-03) Appeal of the Department of Parks and Recreation (DPR) from the Executive Officer's February 9, 2001 disapproval of DPR's Workers

July 11, 2001

Compensation and Employers' Liability Insurance Policy (Contract) with National Union Insurance Company of Pittsburgh, Pennsylvania in response to the requests for

review submitted by the California State Employees Association (CSEA) and the Association of California State Attorneys and Administrative Law Judges (ACSA).

ACTION: Withdrawn

BOARD ACTIONS

4. STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 19, 2001

ACTION: Adopted on July 11, 2001.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

5. ACTION ON SUBMITTED ITEMS

ACTION: See pages 15-16.

6. ADMINISTRATIVE LAW JUDGE CASES

On July 11, 2001, the Board adopted the following decisions presented by Karen Brandt, Staff Counsel, California State Personnel Board.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

Exceptions to Vote: Under Petitions for Rehearing, Board Member Bos Dissented on Jill McNamara, Case No. 98-4252, and Recused herself regarding Mary Rodrigues, Case 01-0571. Board Member Harrigan Dissented on Danny Moraga, Case No.

00-1586.

COURT REMAND DECISION

FRED L. MARTINO, CASE NO. 99-3892

Appeal from dismissal

Special Agent Supervisor

Department of Justice

ACTION: Dismissal sustained

JESSE BROWN, CASE NO. 98-0384

ACTION: On July 11, 2001, Board adopted Precedential Decision #01-02, that the Department of General Services



July 11, 2001

shall pay to Jesse Brown back pay for the period from February 1, 1998 through April 16, 1998, plus interest\*

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\*Adopted as Precedential Decision(s) #'s 01-02. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

#### CHIEF COUNSEL RESOLUTIONS

DEPARTMENT OF MOTOR VEHICLES (DMV), PSC NO. 01-01  
ACTION: On July 11, 2001, adopted Board decision adopting a resolution regarding settlement between DMV and CASE that provides that the Board: (1) acknowledges that CASE has withdrawn its Request for Review; (2) vacates the Executive Officer's decision; and (3) dismisses DMV's appeal.

REQUEST TO FILE CHARGES OF MARLENA SPRAGUE, CASE NO. 00-1672E

ACTION: On July 11, 2001, adopted Board decision adopting a resolution approving the settlement agreement between Marlena Sprague and Paul Furtado and to order that an adverse of a one-step reduction in salary for 12 pay periods will be issued against Mr. Furtado effective the beginning of the second pay period after the adoption of this resolution

#### PROPOSED DECISIONS

STELLA O. OYEKA, CASE NO. 00-1045  
Appeal from rejection during probationary period  
Tax program Technician I  
Franchise Tax Board

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

MICHAEL T. CARL, CASE NO. 00-0965  
Appeal from suspension for ten workdays  
Vocational Instructor  
Norco-Correctional Facility  
Department of Corrections

ACTION: Ten workdays suspension modified to three workdays suspension\*

July 11, 2001

THOMAS H. GRIFFIN, CASE NO. 00-2786  
Appeal from dismissal  
Correctional Counselor II, Specialist  
Correctional Facility at Tehachapi  
Department of Corrections  
ACTION: Dismissal sustained

\*After these minutes were adopted by the Board it came to the attention of legal counsel that the Board actually adopted a proposed decision that modified the suspension to five working days.

GERALDINE RAMIREZ, CASE NO. 00-4309  
Appeal from dismissal  
Correctional Officer  
Corcoran-State Prison  
Department of Corrections  
ACTION: Dismissal of the adverse action granted

RENEE VILLARREAL, CASE NO. 00-0030  
Appeal from 140 working days suspension  
Health Records Technician II (Supervisor)  
Pleasant Valley State Prison  
Department of Corrections  
ACTION: 140 working days suspension modified to a 30 days suspension

WAYNE VILLARREAL, CASE NO. 00-0033  
Appeal from 180 working days suspension  
Correctional Sergeant  
Pleasant Valley State Prison  
Department of Corrections  
ACTION: 180 working days suspension modified to a 60 days suspension

KEVIN SONG, CASE NO. 00-1066  
Appeal of discrimination/retaliation  
Criminal Intelligence Specialist I  
Department of Justice  
ACTION: Discrimination/retaliation complaint dismissed

PETE REECE, CASE NO. 00-1605E  
Appeal from denial of request for  
reasonable accommodation  
Office Technician (General)

July 11, 2001

State Compensation Insurance Fund

ACTION: Appeal from denial of request for reasonable accommodation granted

SUE L. CRAWFORD, CASE NO. 00-2060

Appeal from dismissal

Senior Legal Typist

California Unemployment Insurance Appeals Board

ACTION: Dismissal sustained

JUDITH C. BECK, CASE NO. 00-3025

Appeal from constructive medical termination

Janitor

Department of California Highway Patrol

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

RICHARD A. TWEET, CASE NO. 00-3346

Appeal from ten percent reduction in salary for 12 months

Correctional Officer

Solano - California State Prison

Department of Corrections

ACTION: Ten percent reduction in salary for 12 months sustained

MATT LAWTON, CASE NO. 00-4095

Appeal from 10 working days suspension  
Officer

Department of California Highway Patrol

10 working days suspension revoked

DARRELL SNELL, CASE NO. 99-5150

Appeal from 180 working days suspension

Correctional Sergeant

Pleasant Valley State Prison

Department of Corrections

ACTION: 180 working days suspension modified to a 60 days suspension

STEPHANIE RODRIGUEZ, CASE NO. 00-0002

Appeal from 120 working days suspension

Office Technician (Typing)

Pleasant Valley State Prison

Department of Corrections

ACTION: 120 working days suspension modified to a 30 days suspension

July 11, 2001

ROBERT DIAZ, CASE NO. 00-2230

Appeal from dismissal

Officer

Department of California Highway Patrol

ACTION: Dismissal modified to a five working days  
suspension

KEVIN SPICCI, CASE NO. 99-4822

Appeal from dismissal

Correctional Officer

Sacramento-California State Prison

Department of Corrections

ACTION: Dismissal modified to a 15 working day  
suspension

RANDY SCHNAPP, CASE NO. 00-2559

Appeal from dismissal

Officer

Department of California Highway Patrol

ACTION: Dismissal sustained

ROBERT J. LARSON, CASE NO. 00-4151

Appeal from ten percent reduction

in salary for 12 months

Youth Correctional Counselor

Department of Youth Authority

ACTION: Ten percent reduction in salary for 12 months  
modified to five percent reduction in salary for six  
months

CLYDE YOUNG, CASE NO. 00-4152

Appeal from 90 calendar days suspension

Youth Correctional Counselor

Department of Youth Authority

ACTION: 90 calendar days suspension sustained

JEANNE HOFF, CASE NO. 99-3934

Appeal from rejection during probationary  
period

Chief Psychiatrist (Correctional Facility)

Department of Corrections

ACTION: Appeal from rejection during probationary period  
denied

PETITIONS FOR REHEARING

July 11, 2001

THEODORE BROWN, CASE NO. 98-0457P

Appeal from dismissal

Group Supervisor

Department of the Youth Authority

ACTION: Petition for rehearing filed by Appellant denied

KATO HALL, CASE NO. 00-1147P

Appeal from dismissal

Correctional Officer

Department of Corrections

ACTION: Petition for rehearing filed by Appellant  
granted

JILL MCNAMARA, CASE NO. 98-4252

Appeal from dismissal

Office Assistant (Typing)

Department of California Highway Patrol

ACTION: Petition for rehearing filed by Appellant denied

DANNY R. MORAGA, SPB CASE NO. 00-1586

Appeal from three working days suspension

Fish and Game Warden

Department of Fish and Game

ACTION: Petition for rehearing filed by Appellant denied

MARY RODRIGUES, CASE NO. 01-0571

Appeal from rejection during probationary period

Telephone Operator

California State University Division

ACTION: Petition for rehearing filed by Appellant denied

7. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1  
EXTENSION.

ACTION: See pages 17-20

8. WITHHOLD APPEALS

On July 11, 2001, the Board adopted the following  
decisions presented by Laura Aguilera, Assistant  
Executive Officer, California State Personnel Board.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

MICHAEL R. RODRIGUEZ, CASE NO. 00-2873

Classification: Correctional Officer

Department of Corrections

July 11, 2001

ACTION: GRANTED

DAVID WEIGHTMAN, CASE NO. 00-3422

Classification: Energy Resources

Specialist II

State Personnel Board

ACTION: GRANTED

JERROD EVANS, CASE NO. 00-4075

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

PATRICK S. FILER, CASE NO. 00-1918

Classification: Correctional Officer

Department of Corrections

ACTION: WITHDRAWN

DARREN T. WILSON, CASE NO. 00-4054

Classification: Correctional Officer

Department of Corrections

ACTION: WITHDRAWN

MARC IMRIE, CASE NO. 00-3226

Classification: Cadet, CHP

California Highway Patrol

ACTION: DENIED

TOMALAMA SCANLAN, CASE NO. 00-3616

Classification: Cadet, CHP

California Highway Patrol

ACTION: DENIED

JOSEPH D. ELIAS, CASE NO. 00-3140

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

NICK SALAS, CASE NO. 00-2803

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

CHARLIE SHEN, CASE NO. 00-2884

Classification: Associate Information

Systems Analyst

State Personnel Board

July 11, 2001

ACTION: DENIED

RON D. HYNDY, CASE NO. 00-3667  
Classification: Correctional Officer  
Department of Corrections  
ACTION: WITHDRAWN

DANTE CORTES, CASE NO. 00-3514  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

EDUARDO LOPEZ, CASE NO. 00-3422  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

TINA M. JACKSON, CASE NO. 00-3091  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

BRYAN DANIELS, CASE NO. 00-2951  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

GERALD CONWAY, CASE NO. 00-3826  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

FRANK GORDON, CASE NO. 00-3823  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

SERGIO PALMA, CASE NO. 00-4020  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

JOHN B. BACHER, CASE NO. 00-2572  
Classification: Correctional Officer  
Department of Corrections  
ACTION: WITHDRAWN

July 11, 2001

MICHAEL A. MONEY, CASE NO. 00-3220  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

JAY SMITH, CASE NO. 00-3756  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

SCOTT E. JONES, CASE NO. 00-2950  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

MICHAEL R. HUMBLE, CASE NO. 00-0870  
Classification: Correctional Officer  
Department of Corrections  
ACTION: WITHDRAWN

DAVID HAWKINS, CASE NO. 00-3445  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED

9. MEDICAL APPEALS

On July 11, 2001, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.  
VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

LOUIS WOOD, CASE NO. 00-4097  
Classification: Cadet, CHP  
State Personnel Board  
ACTION: DENIED

JOHN PARKER, CASE NO. 00-3399  
Classification: Cadet, CHP  
State Personnel Board  
ACTION: DENIED

JAY AKELY, CASE NO. 00-3602  
Classification: State Park Ranger Cadet  
Department of Parks and Recreation  
ACTION: DENIED

SHANT MURDIAN, CASE NO. 00-3798  
Classification: Special Investigator I



July 11, 2001

State Personnel Board

ACTION: DENIED

CONRAD COTA, CASE NO. 00-3770

Classification: Special Agent, DOJ

Department of Justice

ACTION: DENIED

JOSEPH SOTO, CASE NO. 00-3531

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

SHANE BUDDEN, CASE NO. 00-4289

Classification: CT Equipment Operator

Department of Transportation

ACTION: DENIED

RYAN BERA, CASE NO. 00-4290

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

10. EXAMINATION APPEALS

On July 11, 2001, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

WILLIAM YATES, CASE NO. 99-1674

Classification: Air Resources Supervisor II

Air Resources Board

ACTION: WITHDRAWN

11. RULE 211 APPEALS

On July 11, 2001, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

HELEN ROGERS, CASE NO. 01-0271

Classification: Office Assistant

State Personnel Board

July 11, 2001

Action: GRANTED

12. REQUEST TO FILE CHARGES CASES

On July 11, 2001, the Board took the following actions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

KAREN HARRIS, CASE NO. 00-3569

Classification: An employee of the Department of Motor Vehicles

ACTION: DENIED

JAIME HOHNS, CASE NO. 00-3976

Classification: An employee with the Department of Consumer Affairs

ACTION: DENIED

DANNY MILLIGAN, CASE NO. 00-3094

Classification: A former limited-term employee with the Department of Forestry and Fire Protection (CDF)

ACTION: WITHDRAWN

JOHN HSU, CASE NO. 00-3832

Classification: An employee of the Department of Toxic Substances Control

ACTION: DENIED

KRISTINA HUTCHINGS, CASE NO. 00-3661

Classification: An employee with the Board of Equalization (BOE)

ACTION: DENIED

13. NON-HEARING CALENDAR

On July 11, 2001, Item "A" was withdrawn from the calendar.

A. CONSERVATIONIST, CALIFORNIA CONSERVATION CORPS (CCC) SERIES

July 11, 2001

CONSERVATIONIST I (ENERGY), CCC

CONSERVATIONIST II, NURSERY, CCC

The California Conservation Corps proposes to revise the specifications for the Conservationist, CCC classification series, the Conservationist I (Energy), CCC and the Conservationist II Nursery, CCC classifications and to revise Alternate Range Criteria 124.

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DEPUTY DIRECTOR, DEPARTMENT OF PERSONNEL ADMINISTRATION

The Department of Personnel Administration (DPA) proposes to allocate the above position to the CEA category. The Deputy Director manages the following five divisions: Policy, Administration, Savings Plus Program, Financial Management and Control, and Training and Continuous Improvement. The deputy is part of the DPA directorate, along with the Director and Chief Deputy. The department indicates that the position is at the first organizational level and will report to the Director.

(2) LEGISLATIVE DIRECTOR

The Department of Information Technology proposes to allocate the above position to the CEA category. Under the general direction of the Chief Information Officer, State of California, this position has responsibility for developing and/or assessing the policy ramifications and systemic implications of all pending State, federal and local legislation pertaining to information technology. The department indicates that the position is at the second organizational level and will report to the Chief Information Officer.

(3) AGENCY CHIEF INFORMATION OFFICER

July 11, 2001

The California Technology, Trade and Commerce Agency proposes to allocate the above position to the CEA category. The Chief Information Officer has responsibility for the policy, oversight and coordination of information technology activities throughout the Agency, its constituent divisions and interface partners. The department indicates that the position is at the third organizational level and will report to the Deputy Secretary, Division of Administration and Finance within the California Technology, Trade and Commerce Agency.

- (4) CHIEF, TRAFFIC CONGESTION RELIEF PROGRAM  
The Department of Transportation proposes to allocate the above position to the CEA category. The incumbent is responsible for the development and implementation of policies and procedures for the Governor's Traffic Congestion Relief Plan. The department indicates that the position is at the third organizational level and will report to the Deputy Director, Finance.
- (5) CHIEF, HUMAN RESOURCES  
The Department of Health Services proposes to allocate the above position to the CEA category. The Chief, Human Resources will have responsibility for the Training Unit, Office of Recruitment, and will oversee and provide guidance on Personnel Management issues. The department indicates that the position is at the third organizational level and will report to the Deputy Director, Administration Division.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

- (1) ENERGY MARKET ANALYSIS AND FISCAL MANAGER  
ENERGY SCHEDULING AND RELIABILITY MANAGER  
The Department of Water Resources' request to allocate the above position to the CEA category has been approved effective May 23, 2001.
- (2) ENERGY COMMODITY MANAGER  
The Department of Water Resources' request to allocate the above position to the CEA category has been approved effective May 24, 2001.

July 11, 2001

- (3) DEPUTY ASSISTANT SECRETARY, NATURAL RESOURCES  
The California Resources Agency's request to allocate the above position to the CEA category has been approved effective June 5, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

- (1) SPECIAL ASSISTANT  
The Department of Pesticide Regulations is requesting to refill the above position.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99

NONE PRESENTED

15. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. CalPERS Board of Administration Quarterly Report of Activities, April 1, 2001 through June 30, 2001.

ACTION: Report presented

A D J O U R N M E N T

July 11, 2001

SUBMITTED

1. CHARLES ALEXANDER, CASE NO. 98-2769 AND RICHARD NEWTON, CASE NO. 98-2769. Appeals from whistleblower/retaliation complaints. Department of Corrections. (Oral argument held April 5, 2001).

ACTION: On July 11, 2001, adopted Board decision ordering the Department of Corrections to cease and desist from engaging in any further retaliatory acts towards appellants; expunge all copies of the "Knowles-Palmer Report" in its possession, custody, or control; and notify all persons and organizations to whom it had forwarded copies of the "Knowles-Palmer Report" that it has expunged all copies of the report from its files.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

2. STAFFORD LEWIS, CASE NO. 99-5021. Appeal from dismissal. Department of Corrections. (Oral argument held April 6, 2001).

ACTION: On July 11, 2001, adopted Board decision modifying dismissal to a six-month suspension and a demotion to the position of Correctional Officer and awarding back pay and benefits.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

3. CURRY THOMAS, CASE NO. 00-2233. Appeal from 90-calendar days suspension. Department of Water Resources. (Oral argument held May 1, 2001).

ACTION: On July 11, 2001, adopted Board decision that appellant has withdrawn his appeal in this matter, and, pursuant to Government Code § 19575, finding that appellant's 90 calendar day suspension is final as a matter of law.

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.

4. LIEM C. VU, CASE NO. 00-1743. Appeal from dismissal. Department of Veterans Affairs. (Oral argument held June 5, 2001).

NO ACTION

5. DUANE SCHNEIDER, CASE NO. 00-3561. Appeal from five working days suspension. Department of Motor Vehicles. (Oral argument held June 5, 2001).

NO ACTION

6. MICHAEL STATON, CASE NO. 99-3155. Appeal from discrimination complaint. Department of Justice (Oral argument held June 5, 2001).

NO ACTION

July 11, 2001

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.



Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

July 11, 2001

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before

the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

July 11, 2001

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 11, 2001.

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WALTER VAUGHN  
Executive Officer  
California State Personnel Board

VOTE: Elkins, Bos, Carpenter, Harrigan - Aye.